

**5920. Misbranding of glacé fruit. U. S. v. 124 Packages of Glacé Fruit. Decree of condemnation. Product ordered released under bond for relabeling.** (F. D. C. No. 11081. Sample Nos. 35465-F to 35468-F, incl.)

**LIBEL FILED:** November 2, 1943, Northern District of Georgia.

**ALLEGED SHIPMENT:** On or about September 16, 1943, by De Luxe Dainties, Inc., New York, N. Y.

**PRODUCT:** 124 packages of glacé fruit at Atlanta, Ga.

**VIOLATIONS CHARGED:** Misbranding, Section 403 (a), the statement "Stuffed Glace Fruit," appearing on the label, was false and misleading as applied to a mixture of fruit, the largest proportion of which had been merely dipped in a sirup and not subjected to a process necessary for production of "glacé" fruit, and as applied to a product which was not "stuffed"; and, Section 403 (i) (2), it was fabricated from two or more ingredients and the label failed to bear the common or usual name of each ingredient.

**DISPOSITION:** January 3, 1944. De Luxe Dainties, Inc., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be relabeled to conform with the law.

**5921. Misbranding of jam. U. S. v. Allan K. Dickinson (Oswego Jelly Co.). Plea of guilty. Fine, \$30** (F. D. C. No. 10591. Sample Nos. 31101-F, 31102-F, 31136-F.)

**INFORMATION FILED:** January 19, 1944, District of Oregon, against Allan K. Dickinson, trading as the Oswego Jelly Co., Oswego, Oreg.

**ALLEGED SHIPMENT:** On or about February 18 and April 3, 1943, from the State of Oregon into the State of Washington.

**LABEL, IN PART:** "Oswego Brand Strawberry Jam [or "Blackcap Seedless Jam," or "Boysenberry Jam"]."

**VIOLATIONS CHARGED:** Misbranding, Section 403 (g), the product purported to be a food for which a definition and standard of identity has been prescribed by regulations as provided by law, but it did not conform to the definition and standard because it had been made from a mixture containing less than 45 parts by weight of the fruit ingredient to each 55 parts by weight of one of the saccharine ingredients specified in the regulations, and the soluble solids content of the finished jam was less than 68 percent; and, Section 403 (c), it was an imitation of another food and the label failed to bear, in type of uniform size and prominence, the word "imitation" and, immediately thereafter, the name of the food imitated.

**DISPOSITION:** January 19, 1944. The defendant pleaded guilty and was fined \$10 on each of the 3 counts, a total fine of \$30.

#### VEGETABLES AND VEGETABLE PRODUCTS

**5922. Adulteration of green beans. U. S. v. 199 Cases of Canned Green Beans. Default decree of condemnation and destruction.** (F. D. C. Nos. 10904, 10905. Sample Nos. 41129-F, 41130-F.)

**LIBEL FILED:** October 18, 1943, Northern District of Texas.

**ALLEGED SHIPMENT:** On or about August 13, 1943, by the Clarksville Coop. Canning Assn., Inc., Clarksville, Ark.

**PRODUCT:** 199 cases of canned green beans at Corsicana, Tex.

**LABEL, IN PART:** "Big League Brand Cut Green Beans."

**VIOLATION CHARGED:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance, putrid and decomposed vegetable matter, and was unfit for human consumption.

**DISPOSITION:** December 13, 1943. A default decree of condemnation was entered and the product was ordered destroyed.

**5923. Adulteration of canned green beans. U. S. v. 446 Cases of Canned Green Beans. Consent decree of condemnation. Product ordered released under bond for segregation and destruction of unfit portion.** (F. D. C. No. 11008. Sample No. 47549-F.)

**LIBEL FILED:** October 25, 1943, Eastern District of Missouri.

**ALLEGED SHIPMENT:** On or about August 20, 1943, by the Baron Canning Co., Westville, Okla.

**PRODUCT:** 446 cases, each containing 6 No. 10 cans, of green beans at St. Louis, Mo.